

Remarks

Claims 1-10 are pending in the present application. The specification and Claims 1-10 presently stand rejected/objected to for various informalities as well as under 35 U.S.C. §§ 112 and 102(e).

(1.) Informalities:

The specification is objected to because the specification starts on the same page as the petition. The first page of the specification has been amended to delete the language for the petition.

Claims 1, 2, 9 and 10 are objected to because of various syntax informalities. Each of these claims has been amended to correct the deficiencies.

(2.) Lack of Antecedent Basis under 35 U.S.C. § 112:

Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. § 112 because of the lack of antecedent basis for various phrases in the claims. Claims 1, 4, 9 and 10 have been amended to correct the deficiencies. Claim 3 was rejected because the phrase “said electronic apparatus” (lines 4-5) was alleged to lack antecedent basis. However, proper antecedent basis is provided by the phrase “an electronic apparatus” on line 7 of Claim 1 from which Claim 3 depends. Consequently, withdrawal of this rejection for Claim 3 is requested.

(3.) Indefiniteness under 35 U.S.C. § 112:

Claim 9 is also rejected under 35 U.S.C. § 112 as being indefinite because the “printing and dispensing means” of the claimed system is omitted. Claim 9 has been amended to add a claim element for a printing and dispensing device that uses the same language as corresponding elements in independent Claims 1 and 10.

(4.) Anticipation under 35 U.S.C. § 102(e):

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,816,918 issued to Kelly et al. (“Kelly”).

(a.) Claim 1:

With respect to Claim 1, the Examiner asserts that Kelly teaches a printing and dispensing bonusing system for electronic gaming devices comprising: “at least one detection means” (Column 6, Line 64 – Column 7, Line 51); “event detection sampling means” (Column 7, Line 19 – Column 8, Line 30); “event occurrence information signal computing means” (Column 7, Line 52 – Column 9, Line 8); and “at least one bonus printing/dispensing device” (Column 9, Line 9 – Column 10, Line 65).

The Examiner cites Kelly as disclosing the “at least one detection means adapted for connection to an electronic apparatus, said detection means operative to detect selected event occurrences on an electronic apparatus and output event occurrence notification signals upon detection of an event”. In the present office action, the Examiner correctly categorizes this detection means as “detecting inputs from player/operator” which is consistent with the disclosure of Kelly. Kelly teaches that “[i]nput devices 16 are used by a player or user to provide input the game unit 10 to influence game events during a game process ...” 6:64 - 6:66. Kelly gives examples of such input devices as “buttons, keyboard, dials, joystick, controls, touch screen, track ball, mouse, gun device, steering wheel, foot pedals, speech input through a microphone, or any other input used in playing a game and providing selections.” 7:6 – 7:9. Additional examples include “sensors of various types ... employed to detect the paths of playing pieces directed by the player, detect when playing pieces have been dispensed, detect when a game is over, detect cheating actions by the player, etc.” 7:42 – 7:46. Kelly summarizes that “[e]ach type of user input can provide a particular game command to the game processor 12, and the game processor interprets the commands and influences game states and game events in the game process accordingly.” 7:13 – 7:17. Block diagrams show these features as: Input Devices 16 that feed directly into a Game Processor 12 shown in Figure 1; and input/output that is fed into an I/O device 34 that is connected by a Bus 36 to a Microprocessor 28 shown in Figure 1a.

In contrast, Claim 1 of the present application claims a detection means that is “adapted for connection to an electronic apparatus”. This electronic apparatus is described as a circuit board 300 that is connected through a machine interface 202 to the electronic activity detector and command generator 200 that contains a Main Computing

Unit (microprocessor) **240** as shown in Figure 1. *Page 16, Lines 8 – 11.* Figure 1 also shows the input from the circuit board **300** explicitly labeled as “Machine Inputs”. The machine interface **202** may access the information sites *on the circuit board* and allow for the event occurrence data to be transferred to the programmable electronic activity detector and command generator **200** (*emphasis added*).

The key distinction between Kelly and the present invention is the nature of the inputs the microprocessors. Kelly specifically teaches user controlled inputs that affect the outcome of the game to some degree. In contrast, the present application *explicitly claims* a system for electronic gaming devices that receives input from the circuit board of a device. These inputs are controlled and generated by the gaming logic of the device. There is absolutely NO input from the user that can determine or affect the outcome of the game in any way whatsoever. Kelly teaches only the use of inputs that may directly affect the outcome of the game. Consequently, Kelly does not teach or disclose the use of inputs to the game microprocessor from a circuit board as claimed by the Applicant. Therefore, withdrawal of this rejection is requested.

(b.) Claim 2:

The Examiner has rejected Claim 2 by asserting that the limitation of detection means comprising a plurality of optical sensors is inherently known.

In response, Applicant notes that 37 C.F.R. §1.104(d)(2) states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

In accordance with this rule, Applicant requests that the Examiner submit an affidavit stating that based on his personal knowledge, it is well known to one of ordinary skill in the art that the use of optical sensors is inherently known for use as a detection means consistent with Claim 2. In the alternative, Applicant requests that the Examiner either provide an additional reference showing the use of optical sensors as a detection means in slot machines or withdraw this rejection.

Additionally, since Claim 2 is dependent from independent Claim 1, Claim 2 is allowable for the same reasons as previously discussed in Section (4.)(a.).

(c.) Claims 3-8:

Since Claims 3-8 are dependent from independent Claim 1, Claims 3-8 are allowable for the same reasons as previously discussed in Section (4.)(a.).

(d.) Claim 9:

Claim 9 has been amended to include a “read only” limitation in the detection means element. This language is consistent with corresponding claim limitations from the parent U.S. Patent 6,146,276 that was also prosecuted before the present Examiner. Since Kelly does not teach or disclose the use of a read only detection means, Claim 9 is allowable over Kelly.

Additionally, since Claim 9 contains a detection means element that is narrower in scope than the corresponding element of Claim 1, Claim 9 is allowable for at least the same reasons as previously discussed in Section (4.)(a.).

(e.) Claim 10:

Since Claim 10 contains a similar detection means element as Claim 1 in both scope and limitation, Claim 10 is allowable for the same reasons as previously discussed in Section (4.)(a.).

(5.) Conclusion:

In view of the previous amendments and remarks, Claims 1 – 10 are now in condition for allowance. Withdrawal of all outstanding objections/rejections and issuance of a Notice of Allowance for all pending claims is respectfully requested.

Request for Declaration of an Interference

Applicant seeks to have the Examiner declare an interference as provided in 37 C.F.R. §1.607 and M.P.E.P. §2307. Specifically, Applicant seeks an interference proceeding between the present application and U.S. Patent 6,113,098 issued to Adams ("Adams"). A copy of Adams is enclosed for the Examiner's convenience in Appendix A.

Proposed Counts

Proposed Count 1:

A gaming device comprising:
means of receiving a wager;
means of randomly determining at least one of a plurality of possible outcomes;
means of providing a gaming award in a form selected from the group consisting of
coins, currency, credits or redeemable tickets in response to said determining
means; and
means for dispensing tickets which is operable independent of said determining means.

Proposed Count 2:

A gaming device comprising:
means of receiving a wager;
means of randomly determining at least one of a plurality of possible outcomes;
means of providing a gaming award in a form selected from the group consisting of
coins, currency, credits or redeemable tickets in response to said determining
means; and
means for dispensing supplemental tickets independent of said gaming award wherein
said supplemental tickets are different from said gaming award.

Corresponding Claims in Adams

Claims 1 - 6, 8, 9, 10, 13, and 14 of Adams correspond to Count 1. Proposed Count 1 is copied from Adams' Claim 1. Claims 17 - 22, 24 - 27, 29, and 32 - 34 of Adams correspond to Count 2. Count 2 is copied from Adams' Claim 17.

Corresponding Claims in the Present Application

Claims 1 - 10 of the present application correspond to Count 1. Each of these claims are directed towards a printing and dispensing bonusing system for electronic gaming devices that includes: a detection means for event occurrences; an event detection sampling means; an event occurrence signal computing means; and a bonus printing/dispensing device.

The "means for receiving a wager" and "means for randomly determining a game outcome" elements of Count 1 are not included as elements in any of the claims of the present application as allowed under 37 C.F.R. §1.606. However, these elements are discussed and conceded by the Applicant to be part of the prior art of gaming devices. In the "Description of the Prior Art" section of the specification, gaming devices such as slot machines and video poker machines are discussed with the term "coin in" to describe the amount of wagers received. *Page 5, Line 10; Page 6, Lines 1 and 22; and Page 7, Line 6.* Additionally, the receipt of paper bills is described. *Page 6, Line 21.* The application also discusses as prior art the use of a computer chip that is programmed to control the payout of the game. *Page 3, Lines 1-2; and Page 5, Lines 16-17.* These disclosures as prior art clearly correspond to the first two elements of the Count. They were not included in the claims of the present application simply because, as admitted prior art, they would not help distinctly and precisely claim the present invention. However, since these elements were discussed as prior art, it is clear that they are inherent in the present invention as claimed.

The "means for providing a game award" element of Count 1 corresponds to "the detection means for event occurrences", "the event detection sampling means", and "the event occurrence signal computing means" of Claims 1 - 10 of the present application. The specification of the present application discloses a programmable electronic activity detector and command generator **200** that detects and samples event signals from the

game control chip. *Page 16, Line 8 – Page 17, Line 28; and Figure 1.* A main computing unit (MCU) 240 receives the event signal and determines if a bonus is awarded. *Page 18, Line 22 – Page 19, Line 5; and Figure 1.* If a bonus is earned, the MCU sends out a command signal to a peripheral device to award the bonus. *Page 20, Line 13 – Page 21, Line 12.* Possible bonus awards may include coins, cash, complimentaries, bonus tickets, etc. *Page 23, Lines 17 – 22.*

The “means for dispensing tickets which is operable independent of said determining means” element of Count 1 corresponds to “the bonus printing/dispensing device” element of Claims 1-10 of the present application. The specification of the present application discloses the use of a printer as an output device. *Page 19, Line 25 – Page 20, Line 3.* The printer could be used to print bonuses that are redeemable for prizes. *Page 23, Lines 11 – 14.* Additionally, a dispensing device could be used to dispense pre-printed materials including various types of tickets. *Page 23, Lines 17 – 22.* A feature of the present invention is isolation of the bonusing system from the rest of the gaming logic. *Page 16, Line 22 – Page 17, Line 6.* The isolation of the bonusing system results in its independence from the standard payout device and prevents any direct influence of bonus payouts by other occurrences on the gaming device. *Page 23, Line 23 – 28.* For example, since the bonuses are not connected with the payout calculations of the gaming device, it is possible for the player to receive a bonus without hitting a standard payout combination. *Page 24, Lines 8 – 11.*

Claims 1 - 10 of the present application correspond to Count 2. Each of these claims are directed towards a printing and dispensing bonusing system for electronic gaming devices that includes: a detection means for event occurrences; an event detection sampling means; an event occurrence signal computing means; and a bonus printing/dispensing device.

The “means for receiving a wager” and “means for randomly determining a game outcome” elements of Count 2 are not included as elements in any of the claims of the present application as allowed under 37 C.F.R. §1.606. However, these elements are discussed and conceded by the Applicant to be part of the prior art of gaming devices. In the “Description of the Prior Art” section of the specification, gaming devices such as slot machines and video poker machines are discussed with the term “coin in” to describe

the amount of wagers received. *Page 5, Line 10; Page 6, Lines 1 and 22; and Page 7, Line 6.* Additionally, the receipt of paper bills is described. *Page 6, Line 21.* The application also discusses as prior art the use of a computer chip that is programmed to control the payout of the game. *Page 3, Lines 1-2; and Page 5, Lines 16-17.* These disclosures as prior art clearly correspond to the first two elements of the Count. They were not included in the claims of the present application simply because, as admitted prior art, they would not help distinctly and precisely claim the present invention. However, since these elements were discussed as prior art, it is clear that they are inherent in the present invention as claimed.

The “means for providing a game award” element of Count 2 corresponds to “the detection means for event occurrences”, “the event detection sampling means”, and “the event occurrence signal computing means” of Claims 1 – 10 of the present application. The specification of the present application discloses a programmable electronic activity detector and command generator **200** that detects and samples event signals from the game control chip. *Page 16, Line 8 – Page 17, Line 28; and Figure 1.* A main computing unit (MCU) **240** receives the event signal and determines if a bonus is awarded. *Page 18, Line 22 – Page 19, Line 5; and Figure 1.* If a bonus is earned, the MCU sends out a command signal to a peripheral device to award the bonus. *Page 20, Line 13 – Page 21, Line 12.* Possible bonus awards may include coins, cash, complimentaries, bonus tickets, etc. *Page 23, Lines 17 – 22.*

The “means for dispensing supplemental tickets independent of said gaming award wherein said supplemental tickets are different from said gaming award” element of Count 2 corresponds to “the bonus printing/dispensing device” element of Claims 1-10 of the present application. The specification of the present application discloses the use of a printer as an output device. *Page 19, Line 25 – Page 20, Line 3.* The printer could be used to print bonuses that are redeemable for prizes. *Page 23, Lines 11 – 14.* Additionally, a dispensing device could be used to dispense pre-printed materials including various types of tickets. *Page 23, Lines 17 – 22.* A feature of the present invention is isolation of the bonusing system from the rest of the gaming logic. *Page 16, Line 22 – Page 17, Line 6.* The isolation of the bonusing system results in its independence from the standard payout device and prevents any direct influence of bonus

payouts by other occurrences on the gaming device. *Page 23, Line 23 – 28.* For example, since the bonuses are not connected with the payout calculations of the gaming device, it is possible for the player to receive a bonus without hitting a standard payout combination. *Page 24, Lines 8 – 11.*

Compliance with 35 U.S.C. § 135(b)

This request for an interference meets the requirements of 35 U.S.C. §135(b) because Claims 1 - 10 of the present application were originally filed with the application on August 15, 2000. This predates Adams' issue date of September 5, 2000.

Prima Facie Showing by Applicant Under 37 C.F.R. §1.608(a)

The present application claims an effective filing date of December 19, 1997 under 35 U.S.C. §120 as allowed by 37 C.F.R. §1.601(g). December 19, 1997 is the filing date of the parent application (now U.S. Patent 6,146,276) of which the present application is a Continuation-In-Part.

Since the effective filing date of the present application is less than 3 months after the filing date of Adams, the following statement is submitted as required by 37 C.F.R. §1.608(a):


I, David E. Mixon, in my capacity as attorney for the Applicant, allege that there is a basis upon which the Applicant is entitled to judgment relative to the Adams patentee.

Conclusion

Based on the above information, Applicant respectfully requests that the Examiner declare an Interference between the present application and U.S. Patent 6,113,098 issued to Adams. If the Examiner has any questions, please contact me by telephone or facsimile at the numbers listed below.

Please apply any additional fees or credits to Deposit Account #: 50-0954,
Reference #: A9658-69925.

Respectfully Submitted,

 2/3/03

David E. Mixon Date
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